

Notice of Allowability

Application No.

10/057,459

Examiner

Elizabeth Quan

Applicant(s)

NOLFO ET AL.

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1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 2/9/2004 and telecommunication held 4/20/2004.
2. ☒ The allowed claim(s) is/are 42-73.
3. ☒ The drawings filed on 25 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>04202004</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>01202004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert L. Epstein on 4/20/2004.

The application has been amended as follows:

- a. In claim 42, line 14, before "each of which", delete "valves" and insert --valve bodies--.
- b. In claim 42, line 16, after "independently actuating said", delete "valves" and insert --valve bodies--.
- c. In claim 42, line 18, after "actuated valve", insert --body--.
- d. In claim 51, beginning on line 1, after "wherein said", delete "first and second valves comprise" and insert --independent actuating means comprises--.
- e. In claim 53, line 14, before "each of which", delete "valves" and insert --valve bodies--.
- f. In claim 53, line 16, after "means for independently actuating said", delete "valves" and insert --valve bodies--.
- g. In claim 53, line 19, after "actuated valve", insert --body--.
- h. In claim 61, line 1, after "wherein", insert --said independent actuating means comprises--.

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- i. In claim 63, line 13, before “each of said”, delete “valves” and insert --valve bodies--.
 - j. In claim 63, line 13, after “each of said”, delete “valves” and insert --valve bodies--.
 - k. In claim 63, line 15, after “independently actuating”, delete “valves” and insert --valve bodies--.
 - l. In claim 63, line 18, after “valve”, insert --body--.
 - m. In claim 72, line 1, after “wherein”, delete “each of said valves comprise” and insert --said independent actuating means comprises--.
 - n. In claim 72, line 1, after “valve stem”, insert --associated with each of said valve bodies--.
2. The following is an examiner’s statement of reasons for allowance: The prior art of record does not teach or fairly suggest sets or rows of reaction vessels with at least one of the sets or rows comprising more than one reaction vessel; first source of a first fluid; second source of second fluid; fluid manifold with a source selection portion or first portion, fluid distribution portion or second portion, and valve portion or intermediate portion interposed between the source selection portion or first portion and fluid distribution portion or second portion; source selection portion with means for selecting one of the fluid sources and for connecting the selected source to the valve portion or intermediate portion; fluid distribution portion or second portion comprising first and second fluid distribution channels, means for separately connecting each of the fluid distribution channels to each of the reaction vessels in a different one of the reaction vessel sets or rows, respectively; valve portion or intermediate portion comprising first

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and second valve bodies each of which is associated with a different one of the fluid distribution channels in the fluid distribution portion or second portion; and means for independently actuating the valve bodies to connect the source selecting means in the source selection portion or first portion and the fluid distribution channel in the fluid distribution portion or second portion associated with the actuated valve body. U.S. Patent No. 5,976,470 to Maiefski et al. does not teach or fairly suggest means for independently actuating the valve bodies since the check valves of the distribution channels are actuated by the simultaneous flow of fluid into the upstream portion of the distribution channel through the lifted or displaced ball of the check valve and the downstream portion of the distribution channel. There is no mechanical means, such as valve stems, by which liquid to a fluid distribution channel to a set or row of vessels is controlled, such that a particular row or set may be flooded with liquid while others may not be since the ball of the check valve is not capable of being manually actuated such that each check valve is capable of being operated at different times. The actuation of the check valves is automatic and occurs at the same time, such that it is not considered independent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (571) 272-1261. The examiner can normally be reached on M-F (8:00-4:30).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elizabeth Quan
Examiner
Art Unit 1743

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Jill Warden
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